

A2
(amended)
10 a second flat member having a predetermined shape, first and second opposed flat surfaces, and a second predetermined thickness, that comprises a tab with an outer contour that substantially matches the inner contour of the cavity and that fits within the cavity, and wherein the first and second flat members, when joined, lie in the same plane.

5 A3
10 2. A joint system for producing a flat, coplanar, frame structure, comprising:
a first flat member having a predetermined shape, first and second opposed flat surfaces, and a first predetermined thickness which first flat member comprises a cavity having a predetermined inner partially curved contour, which cavity is exposed at the first flat surface, that is exposed along a portion of an edge of the first flat member, which cavity has a depth that extends a predetermined distance below the first flat surface; and
a second flat member having a predetermined shape, first and second opposed flat surfaces, and a second predetermined thickness, that comprises a tab with an outer partially curved contour that substantially matches the inner partially curved contour of the cavity and that fits within the cavity, and wherein the first and second flat members, when joined, lie in the same plane.

REMARKS

Regarding the status of the present application, Claims 1, 6 and 12 have been amended, and Claims 1-17 are pending in this application. Reconsideration of this application is respectfully requested.

The disclosure was objected to because the first page of the specification was not numbered. Enclosed is a replacement page 1 of the specification having the number "1" on the top of the page.

The references identified in the specification are listed in the enclosed form PTO-1449.

Claim 1 was objected to because of an informality noted by the Examiner. Claim 1 has been amended to correct the objectionable phrase. Withdrawal of the Examiner's objection is respectfully requested.

Claims 1-17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner identified possibly unclear language in Claims 1, 6 and 12. Claims 1, 6 and 12 have been amended to address the Examiner's issues. Claims 1, 6 and 12 are considered clear and definite. Withdrawal of the Examiner's rejection is respectfully requested.

Claims 1-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,114,265 issued to Grisley. The Examiner cited Figs. 4 and 5 of the Grisley patent, along with description relating thereto, as disclosing the present invention.

The Grisley patent discloses "An interlocking joint for joining two panels together has curved jigsaw shaped indents and protrusions on edges of both panels that fit together and

cannot pull apart. The indents and protrusions are cut by a router with a straight sided cutter. A template is provided for guiding a bushing on a cutter shaft of a router and the template takes into account the bushing having a larger diameter than the cutter. There is also a jig provided that has fingers that are assembled to cut out the interlocking joint with a router.

It is respectfully submitted that the Grisley patent discloses a joint that is only used for joining members at 90 degree, or right, angles. In contrast, the present invention provides for joining members located in the same plane, which provides for flat joints, and which provides for a frame structure. The Grisley patent does not disclose or suggest construction of a frame structure using the joints disclosed therein.

Claim 1, which is representative of the pending independent Claims, calls for a joint system for producing a flat, coplanar, frame structure, comprising:

- a first flat member having a predetermined shape, first and second opposed flat surfaces, and a first predetermined thickness;

- a cavity formed in the first flat member that has a predetermined inner partially curved contour, which cavity is exposed at the first flat surface of the first flat member and along a portion of an edge of the first flat member, which cavity has a depth that extends a predetermined distance below the first flat surface, and wherein the depth of the cavity is a predetermined portion of the thickness of the first flat member; and

- a second flat member having a predetermined shape, first and second opposed flat surfaces, and a second predetermined thickness, and having a tab with an outer partially curved contour that substantially matches the inner contour of the cavity in the first flat member so that the tab fits within the cavity, which tab a thickness that substantially matches the depth of the cavity formed in the first flat member, and wherein the first and second flat members, when joined, lie in the same plane.

It is respectfully submitted that the Grisley patent does not disclose or suggest "a joint system for producing a flat, coplanar, frame structure." It is also respectfully submitted that the Grisley patent does not disclose or suggest first and second flat members "wherein the first and second flat members, when joined, lie in the same plane". The Grisley patent only discloses or suggest right-angled joints and articles constructed using such joints which does not produce a frame structure or a flat, coplanar, frame structure. It is respectfully submitted that no frame structures whose members lie in the same plane are disclosed or suggested in the Grisley patent.

Therefore, it is respectfully submitted that Claim 1 is not anticipated by, nor is it obvious in view of, the Grisley patent. Accordingly, withdrawal of the Examiner's rejection and allowance of Claim 1 are respectfully requested.

Independent Claims 6 and 12 contain patentable limitations substantially as recited in Claim 1. Claims 6 and 12 are therefore considered patentable over the Grisley patent for the same reasons argued with regard to Claim 1.

Therefore, it is respectfully submitted that Claims 6 and 12 are not anticipated by, nor is it obvious in view of, the Grisley patent. Accordingly, withdrawal of the Examiner's rejection and allowance of Claims 6 and 12 are respectfully requested.

It is also respectfully submitted that any characterization of the teachings of the Grisley patent as disclosing or suggesting that the joint may be used to produce a flat structure is a distortion of the express teachings of the Grisley patent and would amount to hindsight reconstruction on the part of the Examiner in order to reject the present invention. The only teaching of a joint system having flat members that lie in the same plane, so as to form a frame structure, is found in the present application.

Dependent Claims 2-5, 7-11 and 13-17 are considered patentable based upon their dependence from allowable Claims 1, 6 and 12. Accordingly, withdrawal of the Examiner's rejection and allowance of Claims 2-5, 7-11 and 13-17 is respectfully requested.

Attached hereto is a marked-up version of the changes made to application by the present amendment. The attached page is captioned "Version with markings to show changes made."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that all pending claims are not anticipated by, nor are they obvious in view of the cited reference, without the use of hindsight-reconstruction, and are therefore patentable. Therefore, it is respectfully submitted that the present application is in condition for allowance. Accordingly, reconsideration of this application and allowance thereof are earnestly solicited.

Respectfully submitted,



Kenneth W. Float
Registration No. 29,233

The Law Offices of Kenneth W. Float
Office address: 2 Shire, Coto de Caza, CA 92679
Mailing address: P. O. Box 80790, Rancho Santa Margarita, CA 92688
Telephone: (949) 459-5519
Facsimile: (949) 459-5520

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend the following Claims as indicated.

1. (Amended) A joint system for producing a flat, coplanar, frame structure, comprising:

a first flat member having a predetermined shape, first and second opposed flat surfaces, and a first predetermined thickness;

5 a cavity formed in the first flat member that has a predetermined inner partially curved contour, [that] which cavity is exposed at the first flat surface of the first flat member and along a portion of an edge of the first flat member, [and that] which cavity has a depth that extends a predetermined distance below the first flat surface, and wherein the depth of the cavity is a predetermined portion of the thickness of the first flat member; and

10 a second flat member having a predetermined shape, first and second opposed flat surfaces, and a second predetermined thickness, and having a tab with an outer partially curved contour that substantially matches the inner contour of the cavity in the first flat member so that the tab fits within the cavity, which tab a thickness that substantially matches the depth of the cavity formed in the first flat member, and wherein the first and second flat members, when
15 joined, lie in the same plane.

6. (Amended) A joint system for producing a flat, coplanar, frame structure, comprising:

a first flat member having a predetermined shape, first and second opposed flat surfaces, and a first predetermined thickness [that] which first member comprises a cavity having a
5 predetermined inner contour, [that] which cavity is exposed at the first flat surface, that is exposed along a portion of an edge of the first flat member, [and that] which cavity has a depth that extends a predetermined distance below the first flat surface; and

a second flat member having a predetermined shape, first and second opposed flat surfaces, and a second predetermined thickness, that comprises a tab with an outer contour that
10 substantially matches the inner contour of the cavity and that fits within the cavity, and wherein the first and second flat members, when joined, lie in the same plane.

12. (Amended) A joint system for producing a flat, coplanar, frame structure, comprising:

a first flat member having a predetermined shape, first and second opposed flat surfaces, and a first predetermined thickness [that] which first flat member comprises a cavity having a
5 predetermined inner partially curved contour, [that] which cavity is exposed at the first flat

surface, that is exposed along a portion of an edge of the first flat member, [and that] which
cavity has a depth that extends a predetermined distance below the first flat surface; and

10 a second flat member having a predetermined shape, first and second opposed flat
surfaces, and a second predetermined thickness, that comprises a tab with an outer partially
curved contour that substantially matches the inner partially curved contour of the cavity and
that fits within the cavity, and wherein the first and second flat members, when joined, lie in the
same plane.